IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 54 OF 2006
IN
INSOLVENCY NO. 46 OF 2002

Re : Bansidhar Agarwal & Anr. ... Involvents.

Ex parte :
Ghisalal C. Shah ...Petitioning Creditor.

Mr. Kishore Jain for Petitioning Creditor.
Mr. O.A. Das for Central Bank of India - Creditor.
Mr. Y.C. Parikh, Official Assignee present.

.....

CORAM : DR. D.Y. CHANDRACHUD,J.

3RD OCTOBER, 2006.

P.C. :

1. The Notice of Motion is a clear abuse of the process of the Court. This Court has already passed orders on 1st August 2006 and on 19th September 2006 adverting to the conduct of the Insolvent. Despite the specific directions issued by the Court on 19th September 2006, Insolvent No.1 has not complied with the direction issued on 1st August 2006 by surrendering and furnishing correct details of his address to the Official Assignee. Insolvent No.1 has committed a breach of the undertaking furnished by him to this Court and the present proceeding constitutes one more attempt to evade due compliance of the obligations under law.

2. The Motion shall accordingly stand dismissed.

While dismissing this Motion, it is however clarified that the Official Assignee shall now take necessary steps to secure the presence of the Insolvent by causing the warrant that has already been issued to be executed in accordance with the process of law.